

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

Adoptive Family #1 and their Daughter	:	
A, <i>et al.</i> ,	:	Case No. 1:18-cv-179
	:	
Plaintiffs,	:	Judge Susan J. Dlott
	:	
v.	:	Order Overruling Objections and
	:	Affirming Report and Recommendation
Warren County, Ohio/Warren County	:	
Board of Commissioners,	:	
	:	
Defendant.	:	

This matter was referred to United States Magistrate Judge Karen L. Litkovitz. Pursuant to such reference, the Magistrate Judge reviewed the pleadings and issued a Report and Recommendation (Doc. 58) on December 6, 2018 wherein she recommended that Defendant Warren County, Ohio/Warren County Board of Commissioners' ("Warren County's") Motion to Dismiss Plaintiffs' First Amended Complaint for Failure to Join a Necessary or Indispensable Party, or in the Alternative, for Joinder of the Same (Doc. 47) be denied. The Magistrate Judge concluded that Warren County has not established that the State of Ohio is a necessary party under Rule 19(a). She ruled that Warren County has not shown that the State of Ohio claims an interest relating to the subject of the case, nor has it shown that complete relief may not be accorded in the absence of the joinder of the State of Ohio.

Defendant objected to the Report and Recommendation, and Plaintiffs have filed a Response in Opposition. (Docs. 67, 79.) Pursuant to Rule 72(b), a party may file specific objections to the Magistrate Judge's Report and Recommendation on dispositive motions. In resolving those objections, "[t]he district judge must determine de novo any part of the magistrate judge's disposition that has been properly objected to. The district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to

the magistrate judge with instructions.” Fed. R. Civ. P. 72(b)(3).<sup>1</sup> As Defendant’s Motion was filed pursuant to Rule 12, the Court will consider the objections de novo.

The Court has reviewed the comprehensive findings of the Magistrate Judge and considered de novo the filings in this matter as required by Rule 72(b). In so doing, it has reconsidered the law relied upon by the Magistrate Judge and the parties as well as the objections and arguments raised. In its consideration of the foregoing, the Court arrives at the same conclusion as the Magistrate Judge. Thus, the Court **OVERRULES** Defendant’s Objections and **ADOPTS AND AFFIRMS** the Report and Recommendation.

**IT IS SO ORDERED.**

Dated this 25<sup>th</sup> day of January, 20 19.

BY THE COURT:



Susan J. Dlott  
United States District Judge

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<sup>1</sup> The district court judge must consider timely objections in nondispositive matters under a “clearly erroneous” or “contrary to law” standard. Fed. R. Civ. P. 72(a).